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DEC 26 2006

REMARKS

The invention is directed to a method for treating CIP equipment. As discussed in the specification at page 2, lines 23-26, CIP refers to clean-in-place. Exemplary CIP equipment include an evaporator, a separator, a fermentation tank, an aging tank, and a storage tank. The method for treating CIP equipment according to claim 1 includes steps of: (a) treating the CIP equipment with a multiple phase treatment composition comprising a treating liquid phase and a treating gaseous phase; and (b) rinsing the CIP equipment with a multiple phase rinsing composition comprising a rinsing liquid phase and a rinsing aqueous phase; wherein the CIP equipment comprises process equipment comprising at least one of an evaporator, a separator, a fermentation tank, an aging tank, or a storage tank. The step of treating the CIP equipment with a multiple phase treating composition is characterized as having a volumetric ratio of the treating gaseous phase to the treating liquid phase of at least 100.

The method for treating CIP equipment according to independent claim 13 comprises: (a) treating the CIP equipment with a multiple phase treatment composition comprising a treating liquid phase and a treating gaseous phase; (b) rinsing the CIP equipment with a multiple phase rinsing composition comprising a rinsing liquid phase and a rinsing aqueous phase; and (c) sanitizing the CIP equipment with a multiple phase sanitizing composition comprising a sanitizing liquid phase and a sanitizing aqueous phase; wherein the CIP equipment comprises process equipment comprising at least one of an evaporator, a separator, a fermentation tank, an aging tank, or a storage tank. The step of treating the CIP equipment with a multiple phase treating composition is characterized as having a volumetric ratio of the treating gaseous phase to the treating liquid phase of at least 100.

The outstanding Office Action includes four prior art-based rejections. Each of these prior art-based rejections is discussed in turn.

Claims 1-4 and 8-11 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,089,242 to Buck. This rejection is traversed.

Buck describes a dairy pipeline wash monitoring system data processor. The outstanding Office Action points to Buck at column 3, lines 48-67, for the mention of a dairy pipeline wash

monitoring system data processor that can be programmed to "activate an air injector to enhance water and optional cleaning chemical velocity through the dairy pipeline system." It is pointed out that this is not a disclosure of a multiple phase treatment composition, and can certainly not be interpreted as providing a treating step according to the present invention wherein a multiple phase treating composition has a volumetric ratio of a treating gaseous phase to a treating liquid phase of at least 100. As described by the specification at page 29, lines 19 – 24, a volumetric ratio of a treating gaseous phase to a treating liquid phase of at least 100 refers to a ratio based on 100 standard cubic feet per minute gaseous phase to 1 standard cubic foot per minute liquid phase. This type of volumetric ratio is nowhere disclosed or suggested by Buck.

In view of the above comments, the claimed invention is not anticipated and would not have been obvious from Buck. Accordingly, withdrawal of the rejection over Buck is requested.

Claims 13-16 and 20-23 stand rejected under 35 U.S.C. § 103(a) over Buck and U.S. Patent No. 6,767,408 to Kenowski et al. This rejection is traversed.

As discussed above, Buck claims to disclose and would not have suggested a step of treating CIP equipment with a multiple phase treating composition comprising a treating liquid phase and a treating gaseous phase at a volumetric ratio of the treating gaseous phase to the treating liquid phase of at least 100 according to the presently claimed invention. Kenowski et al. fail to cure this defect with respect to Buck.

Kenowski et al. describe a method for cleaning an apparatus using a clean-in-place system. See the abstract of Kenowski et al. The outstanding Office Action refers to air from an air source 80 to an air conduit 81. See page 6 of the outstanding Office Action. Air source 80 and air conduit 81 are described by Kenowski et al. at column 6, line 65 through column 7, line 13, and in reference to Figure 1. It is submitted that the air source 80 is provided to blow out the lines. For example, the Examiner's attention is directed to Kenowski et al. at column 7, lines 8-13, where the air source 80 is characterized as providing a step called "air blow." This disclosure by Kenowski et al. is clearly not a suggestion to modify Buck to provide a multiple phase treatment composition having a volumetric ratio of gaseous phase to liquid phase of at least 100.

In view of the above comments, the claimed invention would not have been obvious from Buck and Kenowski et al., and withdrawal of this rejection is traversed.

Claims 5-7 and 12 stand rejected under 35 U.S.C. § 103(a) over Buck and U.S. Patent No. 6,161,558 to Franks et al. This rejection is traversed.

Franks et al. describe a portable clean-in-place apparatus for a batch processing system. See the abstract of Franks et al. It appears that the outstanding Office Action relies upon Franks et al. for the disclosure of a "second rinse after a first rinse." See the outstanding Office Action at page 8. It is pointed out, however, that Franks are not concerned with the use of a multiple phase treating composition for treating CIP equipment, and would not have suggested modifying Buck to provide a multiple phase treating composition having a volumetric ratio of treating gaseous phase to treating liquid phase of at least 100.

In view of the above comments, the claimed invention would not have been obvious from Buck and Franks et al., and withdrawal of the rejection is requested.

As discussed above, Buck claims to disclose and would not have suggested a step of treating CIP equipment with a multiple phase treating composition comprising a treating liquid phase and a treating gaseous phase at a volumetric ratio of the treating gaseous phase to the treating liquid phase of at least 100 according to the presently claimed invention. Franks et al. fail to cure this defect with respect to Buck.

Claims 17-19 and 24 stand rejected under 35 U.S.C. § 103(a) over Buck, Kenowski et al., and Franks et al. This rejection is traversed.

As discussed above, Kenowski et al. and Franks et al. are not concerned with providing a multiple phase treating composition for treating CIP equipment, and would not have suggested modifying Buck to provide a multiple phase treating composition having a volumetric ratio of a treating gaseous phase to a treating liquid phase of at least 100. Accordingly, the claimed invention would not have been obvious from Buck, Kenowski et al., and Franks et al., and withdrawal of this rejection is requested.

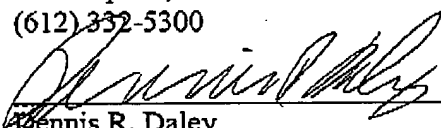
As discussed above, Buck claims to disclose and would not have suggested a step of treating CIP equipment with a multiple phase treating composition comprising a treating liquid phase and a treating gaseous phase at a volumetric ratio of the treating gaseous phase to the treating liquid phase of at least 100 according to the presently claimed invention. Kenowski et al. and Franks et al. fail to cure this defect with respect to Buck.

It is believed that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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Date: December 26, 2006


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